



#4 DAC

Docket No. END-755

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Barton et al.
Serial No. : 09/843,203 Art Unit: N/A
Filed : April 26, 2001 Examiner: N/A
For : Medical Laser Fiber Optic Cable Having Improved Treatment Indicators
for BPH Surgery

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 20, 2003

(Date)

Linda F. Hansen

Name of applicant, assignee, or Registered Representative

Linda F. Hansen
(Signature)

August 20, 2003

(Date of Signature)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR §1.137(b)**

Dear Sir:

Applicants respectfully submit that the entire delay in filing the required reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional and petition for the revival of the above-identified application.

In an office communication from the PTO dated August 22, 2002, a Notice of Abandonment was issued for the above-referenced case. (Exhibit 1) The undersigned received a facsimile copy of the Notice of Abandonment from the Johnson & Johnson,

Petition to Revive under 37 CFR §1.137(b)
- 1 -

RECEIVED s/n 09/342,944

AUG 25 2003

OFFICE OF PETITIONS

08/25/2003 ANDNDAF1 00000088 100750 09843203
02 FC:1453 1300.00 DA

New Brunswick, NJ headquarters on April 11, 2003 as noted on Exhibit 1. On that same date, April 11, 2003, the undersigned received a facsimile copy of a Notice to File Missing Parts for the above-referenced application. (Exhibit 2) The Notice to File Missing Parts was mailed from the USPTO on June 28, 2001. The Notice to File Missing Parts was never entered into the Johnson & Johnson patent docketing system due to an unintentional error. This is evidenced by the handwritten note at the bottom of Exhibit 2 stating: "Verne, this was never docketed. It was attached to the filing receipt [sic] notice of abandonment rec'd [sic] Please advise. Ceil"

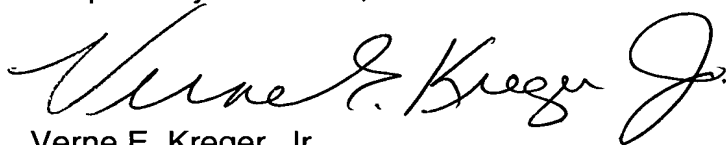
The undersigned does not have a personal docketing system and relies on the Johnson & Johnson central docketing system for notice of actions due. Since the action to file missing parts was inadvertently not docketed, a response was unintentionally not timely filed.

The signed Declaration in response to the Notice to File Missing Parts is attached hereto.

A terminal disclaimer is not required since the application was filed after June 8, 1995.

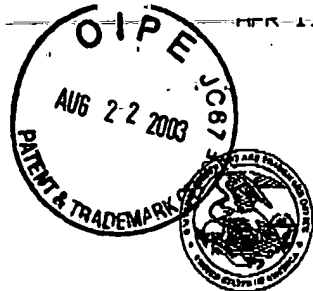
The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(m) of \$ 1,300.00, and any additional fees, which may be required, to Account No. 10-0750/END-755/VEK. This Authorization is being submitted in triplicate.

Respectfully submitted,



Verne E. Kreger, Jr.
Attorney for the Applicant
Reg. No. 35,231

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 337-3295
DATED: August 20, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/843,203 | 04/26/2001 | Scott M. Barton | END-755 |

000027777
AUDLEY A. CIAMPORCERO JR.
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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APR 11 2003

CONFIRMATION NO. 8820

ABANDONMENT/TERMINATION
LETTER

OC00000008670844

VERNE E. KREGER, JR.

Date Mailed: 08/22/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/28/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

08/25/2003 AWONDAF1 00000088 100750 09843203

01 FC:1051 130.00 DA

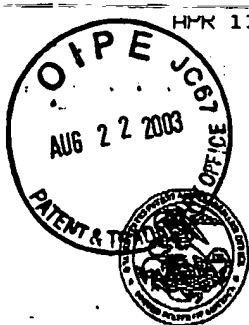
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AUG 25 2003

OFFICE OF PETITIONS

** TOTAL PAGE.02 **

Exhibit 1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/843,203 | 04/26/2001 | Scott N. Barton | END-755 |

CONFIRMATION NO. 8820

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AUDLEY A. CIAMPORCERO JR.
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NEW BRUNSWICK, NJ 08933-7003

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APR 11 2003

FORMALITIES LETTER



OC00000006239024

VERNE E. KREGER, JR.

Date Mailed: 06/28/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

Verne,
This was never docketed.
It was attached to the
filing receipt
not be of abandonment rec'd
Please advise

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Exhibit 2